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09/375,901	08/17/99	KNUDSON	UV-100

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EXAMINER

BUI, K

ART UNIT	PAPER NUMBER
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2711

DATE MAILED: 10/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
**09/375,901**

Applicant(s)  
**Knudson**

Examiner  
**"Krista" Kieu-Oanh Bui**

Group Art Unit  
**2711**



☒ Responsive to communication(s) filed on Jan 13, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

2. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie et al. (U.S. Patent No. 5,850,218) in view of Williams et al. (U.S. Patent 5,977,964).

Regarding claim 1 (amended), LaJoie et al (or "LaJoie" hereinafter) teach an interactive program guide system in which an interactive program guide is implemented on user multi-media equipment of a user for displaying; programming for a plurality of channels on the user equipment, wherein each channel carries primarily one of a plurality of media types, i.e., video on demand, world wide web browsing, Internet e-mails and on-line services (LaJoie, col. 2/lines 1-11), the interactive program guide system comprising means for supplying information on the media types that are associated with each of the channels (LaJoie, col. 2/lines 40-58); means for providing the user with the option of designating favorite channels (see LaJoie, Figs 9-10 for setting favorite channels).

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LaJoie does not clearly suggest “means for designating a preferred media type which reflects the user's interests, independent of the means for providing the user with the option of designating favorite channels” and “means for providing the user with the option of channel selection constrained to the favorite channels of the preferred media type, the subset produced by filtering the channels using the favorite channels and the preferred media type as selection criteria to produce the subset of the channels” as amended; however, this technique is taught by Williams as Williams discloses a method and system for automatically configuring a system based on a user's monitor system interaction (corresponding to user data profile stored in a user profile database 800) wherein the user preferred media types and preferred settings, i.e., types of Internet sites, software applications, listening volumes and etc., are automatically set up and sorted out as a separate sort criterion for him on the preferred media list (Williams, Fig. 8 & 9; and col.7/line 30-58), as well as the genre of the programming available during the displayed time period (Fig. 8) and from different medium, i.e., cable, satellite or audio sources (Williams, Fig. 9; see col. 5/line 42-col. 6/line 50 and col. 7/lines 30-55 for more details). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Williams' disclosed technique of automatically set up preferred media types as a subset of favorite channels in the interactive program guide based on the user's profile in order to obtain an enhanced interactive cable television system that offers the convenience and option of setting up preferred media types as a separate sort selection criterion

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into the conventional program guide for users to quickly access and navigate the interactive program guide at ease.

Regarding claims 2 and 3, in view of claim 1 above, the combination of LaJoie and Williams teach steps of “wherein the means for designating the preferred media type comprises means for designating the preferred media type as the media type of the channel currently displayed on the user equipment” and “wherein the means for designating the preferred media type comprises means for designating the preferred media type as the media type associated with a program guide feature selected by the user” as LaJoie and Williams teach the technique of setting favorite channels and channels are selected from a variety of sources, not limited to television and video but also including audio, World Wide Web, Internet e-mails and other services selected by the user and displaying them to the user (see LaJoie, Figs. 5 & 15, and col. 16/lines 10-67 and Williams, Fig. 9, col. 6/line 25-col. 7/line 19).

Regarding claims 4-5/7 and 6, in view of claim 1 above, LaJoie further teaches the steps of “further comprising means for supplying program listings data to the interactive program guide, wherein the means for providing the user with the option of channel selection constrained to the favorite channels of the preferred media type comprises means for displaying a selection list of program listings data wherein only program listings for favorite channels of the preferred media type are displayed” (Fig. 15/item 306); “means for supplying program listings data to the interactive program guide, wherein the means for providing the user with the option of channel selection constrained to the favorite channels of the preferred media type comprises means for

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displaying a selection list of program listings data wherein channel selection is from the selection list is constrained to favorite channels of the preferred media type”, i.e., a user has no limit in selecting a channel from any media sources (Fig. 5 and col. 16/lines 10-28); and “wherein the means for providing the user with the option of channel selection constrained to the favorite channels of the preferred media type comprises means for displaying on the user equipment the next favorite channel of the preferred media type” (Fig. 15/see item 306 for displaying more than one favorite channel).

Regarding claims 8-9/16-17, the steps of “wherein the media type is selected from the group consisting of television media, digital audio media, games media, data media, and video-on-demand media” and “wherein the media type is selected as a subset of the group consisting of television media, digital audio media, games media, data media, and video-on-demand media” are taught by LaJoie reveals that LaJoie’s system utilizes a variety of services including television broadcasting or cable, Video-on Demand or VOD, Near Video-on-Demand or NVOD, split service, home shopping service, on-line database service can be included games, music service, E-Mail service, WWW services (including games media as well), still image library service or data media in either analog or digital forms (see col. 1/lines 5-55 and col. 2/lines 52-58).

Regarding claims 10, 18 and 27, in further view of claim 1 above, LaJoie does not specifically include the step of further comprising means for storing favorite channels of a user in a preference profile, but such a technique is taught by Williams as Williams clearly discloses a method for creating a television viewer profile by storing preferred viewing statuses in a storing

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means (Williams, col. 6/line 18-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's system with known technique as one of Williams's storing means for viewer's preferred profile in order to obtain an enhanced interactive program guide system that offers favorite channels based on stored preferred viewer profile selected by a user for the purpose of offering that user quick accesses to a variety of services based on his/her stored preference profile as desired.

Regarding claim 11 (amended), the combination of LaJoie and Williams teaches a system comprising multimedia equipment that receives a plurality of channels, wherein each channel carries primarily one of a plurality of media types (LaJoie, Fig. 5); a user control device with which the user issues a command when it is desired to access a channel (LaJoie, Fig. 15/ items 128 & 136); and an interactive program guide configured to receive information on the media types that are associated with each of the channels, to provide the user with the option of designating favorite channels; to designate a preferred media type corresponding to the media type of channel to which the tuner is tuned independently of the option of designating favorite channels; and to provide the user with the option of channel selection constrained to a subset of channels consisting of the favorite channels of the preferred media type (LaJoie, Fig. 15, col. 4/lines 36-52), the subset of channels produced by filtering the channels using the favorite channels and preferred media type as selection criteria (Williams, Figs. 8 & 9 and col. 5/line 52-col. 7/line 58 with Examiner's discussion above).

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Regarding claims 12-15, in view of claim 1 above, LaJoie further teaches the steps of “wherein the interactive program guide is configured to receive program listings data and to display a selection list of program listings data wherein only program listings for favorite channels of the preferred media type are displayed on the multi-media equipment”; “wherein the interactive program guide is configured to receive program listings data and to display a selection list of program listings data wherein channel selection from the selection list is constrained to favorite channels of the preferred media type” (see Fig. 15/item 306, Fig. 5 and col. 16/lines 10-28); and “wherein the interactive program guide is configured to display the next favorite channel of the preferred media type upon receiving the command from the user control device to select a channel” (see Fig. 15/ item 306 for displaying more than one favorite channel).

Regarding claims 19-26 and 28, these method claims for accessing channels in an interactive program guide system implemented on user multi-media equipment of a user for displaying programming on a plurality of user-selectable channels on the user equipment, wherein each channel carries primarily one of a plurality of media types as claimed are rejected for the reasons given in the scope of system claims of 1-9 and 11-17 as already disclosed above.



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***Conclusion***

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399, (for informal or draft communications, please label

"PROPOSED" or "DRAFT").

*Hand-delivered responses should be brought to Crystal Park ID, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

Krista Bui  
Art Unit 2711  
September 27, 2000